

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

702 KAR 4:160, Capital Construction Process (Final)

Applicable Statute or Regulation:

KRS 156.070	KRS 162.065
KRS 156.160	KRS 162.070
KRS 157.420	KRS 322.360
KRS 160.160	KRS 323.033

Action Question:

Should the Kentucky Board of Education give final approval to 702 KAR 4:160, Capital Construction Process?

History/Background:

KRS 156.160 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations establishing standards that school districts shall meet in operational performance, including construction of public school buildings and the use of uniform forms. In 1994, by regulation, the KBE adopted the American Institute of Architects (AIA) family of design and construction industry documents. These documents originated in 1888, are updated periodically, and have served to provide school districts, their design consultants and contractors, and the Department of Education with a comprehensive set of uniform construction documents.

The board reviewed this regulation in December. One additional change has been made on pages 7 and 10 of the regulation since that review adding language to encourage consideration of businesses owned by minorities and women. Attached is a complete listing of all changes.

702 KAR 4:160 prescribes procedures and criteria for the construction of public school buildings and adopts and incorporates many AIA documents. About every 10 years, AIA updates some of their documents, and in 2007 they revised documents regarding relationships between the Owner-Contractor and the Owner-Architect. One purpose of this proposed amendment is to adopt the 2007 editions of AIA Documents (AIA A101, Owner-Contractor Agreement; AIA A201-General Conditions of the Contract for Construction; AIA B101, Owner-Architect Agreement), and to update the Department amendments to fit the 2007 AIA documents. Other revisions are a result of recommendations of the Auditor of Public Accounts' Report, dated 9/7/07, and the School

Facilities Task Force Report, issued on September 30, 2006. The Kentucky Fairness in Construction Act requires a few revisions, and minor changes are housekeeping in nature.

Policy Issues:

The issues are the continuation of the adoption of and amendments to the 2007 AIA documents as uniform construction forms, incorporation of the recommendations of the State Auditor and School Facilities Task Force, and departmental reaction to the Fairness in Construction Act.

Staff Recommendation and Rationale:

Staff recommends final approval of 702 KAR 4:160. This allows continued use of standard construction industry documents and language incorporating the recommendations of the Auditor and School Facilities Task Force. The board's request for language on consideration of businesses owned by minorities and women has also been accommodated.

Groups Consulted and Brief Summary of Responses:

The regulation will be presented to the Local Superintendents Advisory Council (LSAC) at its next meeting. A letter from that body will come to the board prior to the February meeting on input relative to 702 KAR 4:160.

Impact on Getting to Proficiency:

Consistent construction documents facilitate the development of good school buildings, and school facilities are a necessary component for academic success. A school's physical environment has an impact on student achievement and the attitude of teachers and staff. Renovation of existing schools and construction of new school facilities will improve the instructional environment and favorably affect district progress toward reaching proficiency in 2014.

Contact Person:

Larry Stinson, Associate Commissioner
Office of District Support Services
(502) 564-3930
Larry.Stinson@education.ky.gov

Mark W. Ryles, Director
Division of Facilities Management
(502) 564-4326
Mark.Ryles@education.ky.gov

Deputy Commissioner

Interim Commissioner of Education

Date:

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